

In re Application of: LAZARUS, Alan H., et al.

Filed: 10 November 2000

Serial No.: 09/709,249

REMARKS

Reconsideration of this application is respectfully requested having regard to the above amendments and the following comments. Claims 1 to 5 remain in the application.

Specification

The specification has been amended at page 4, as noted above, to identify the ATCC accession numbers of antibodies W6/32, L368, and MA2.1. Although the specified ATCC numbers are understood to correspond with each mention of the above noted antibodies, for simplicity, the ATCC numbers have been specified only at the first occurrence of reference to the noted antibodies in the description. It is also noted that antibodies W6/32, L368, and MA2.1 are known to have the now specified ATCC numbers and as such do not constitute any new subject matter, but were simply provided as per the Examiner's request.

Claim Rejections

Informalities

Claims 1, 2, 3, 4 and 5 have been amended as suggested by the Examiner to more precisely formulate the subject matter of the claims.

Rejection Under 35 U.S.C. 112

Claim 2 is rejected under 35 U.S.C. 112, first and second paragraph, as being indefinite. As stated by the Examiner, the identification of antibodies by reference to specific ATCC accession numbers provides clear and precise designation. Accordingly, claim 2 has been amended to provide the ATCC accession numbers for antibodies W6/32, L368, and MA2.1. As noted above, the description has been accordingly amended to more precisely identify the antibodies. It is believed that this amendment overcomes the objection.

The Examiner further rejected claim 2 under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in such a way to enable one skilled in the art to make and/or use the invention. In response to the enablement requirement of 35 U.S.C. 112,

In re Application of: LAZARUS, Alan H., et al.

Filed: 10 November 2000

Serial No.: 09/709,249

first paragraph, applicant states that antibodies W6/32, L368, and MA2 are commercially available, without restriction, from the American Type Culture Collection (ATCC).

Accordingly, applicant encloses herewith a copy of the ATCC catalogue pages for antibodies W6/32, L368, and MA2.1 as Appendix A.

Claims 1 to 5 are additionally rejected under 35 U.S.C. 112, first paragraph. Accordingly, claims 1 to 5 have been amended to more precisely define the invention as supported by the description. More specifically, the identification of "Class I" follows reference to anti-HLA antibodies in claims 1, 3 and 5, and the phrase "an antigen binding fragment" replaces the phrase "a portion" in claims 1, 3 and 5. It is believed that such amendment overcomes the objection to claims 1 to 5. It is respectfully requested that the objection be removed.

Reconsideration of this application is requested.

In view of the above and foregoing, it is respectfully submitted that the claims now on file are believed to be in condition for allowance, and prompt and favorable action is earnestly solicited. Should there be any question concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Authorization is hereby given to the Commissioner to charge any deficient fees or to credit any overpayment to account no. 50-0850.

Date: 6/27/03

Customer No.: 26770

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

Encl. Appendix A (6 pages)